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PATENT  
57165-5019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:  
Richard CHANG

Serial No. 09/739,990

Filed: December 18, 2000

For: HANDY ELECTRIC SEALER WITH  
SAFETY MEANS

Group Art Unit: 3742 ✓

Examiner: Van, Q.

CERTIFICATE OF MAILING  
I hereby certify that this correspondence and the identified enclosures are being deposited with the U.S. Postal Service as Express Mail Post Office to addressee, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 11, 2001.  
Express Mail No.: EL827162715US  
By: Laurie A. Rossi  
Laurie A. Rossi

RESPONSE TO ELECTION REQUIREMENT

The Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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APR 16 2001  
TC 3700 MAIL ROOM

In response to the Office Action dated March 13, 2001, Applicant hereby elects Group 1 which includes claims 37-45, drawn to a hand-held electric sealer, for prosecution in the subject application.

With respect to the requirement to elect a single disclosed species for prosecution on the merits, Applicant traverses this requirement and respectfully submits that the application does not contain claims directed to the distinct species listed in paragraph 5 of the Office Action. Specifically, the elected claims 37-45 include two independent claims. The first independent claim, claim 37, recites a sealer having a heating unit in the pressbar. The second independent claim, claim 44, recites a sealer having a heating unit. The

Serial No. 09/739,990

sealer of claim 44 is generic as to the location of the heating unit. Moreover, both claims 37 and 44 are generic as to sub-species A1 through A8. Accordingly, Applicant requests withdrawal of the species and sub-species election requirement.

During a telephone interview with Examiner Quang Van on April 11, 2001, Kathy Mojibi discussed Applicant's position regarding the species and sub-species election requirement with Examiner Van. After reviewing claims 37 and 44, Examiner Van indicated that the species and sub-species election requirement would be withdrawn. Applicant was informed that to provide a responsive reply to the Office Action, it would sufficient to make an election as to Group 1 and traverse the species and sub-species election requirement, in view of the fact that the species and sub-species election requirement would be withdrawn.

Applicant reserves the right to file a divisional application covering the non-elected subject matter.

If there are any issues which can best be addressed by telephone, the Examiner is asked to contact Applicant's attorney at the number listed below.

Respectfully submitted,

April 11, 2001  
Date

Kathy Mojibi  
Kathy Mojibi  
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